

### **REMARKS**

This paper responds to the Office Action mailed on June 9, 2005.

Claims 44, 46, 47, 50, 52, 53, 55, 56, 58, 59, 63 and 65 are amended, claims 1-43 are canceled, and claims 67-84 are added; as a result, claims 44-84 are now pending in this application.

### **Information Disclosure Statement**

Applicants submitted a Supplemental Information Disclosure Statement and a 1449 Form on February 25, 2005. Applicants respectfully requests that initialed copy of the 1449 Form be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

### **Reservation of the Right to Swear Behind References**

Applicant maintains the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

### **§102 Rejection of the Claims**

**Claims 50 and 52 were rejected under 35 U.S.C. § 102(e) for anticipation by Fairbairn et al. (U.S. 6,573,030).**

Applicant respectfully traverses.

Independent claim 50 is amended and recites, among other things, "wherein the amorphous carbon layer is transparent in visible light range to improve a reading of alignment marks in the substrate in the visible light range". Applicant is unable to find in Fairbairn et al. "wherein the amorphous carbon layer is transparent in visible light range to improve a reading of alignment marks in the substrate in the visible light range". Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claim 50.

Dependent claim 52 depends from claim 50. Thus, Applicant believes that claim 52 is patentable over Fairbairn et al. for at least the reasons presented above regarding claim 50, plus

the things recited in claim 52. Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claim 52.

**Claims 53, 54 and 56 were rejected under 35 U.S.C. § 102(e) for anticipation by Fairbairn et al.**

Independent claim 53 is amended and recites, among other things, "wherein the amorphous carbon layer is transparent in visible light range to improve a reading of alignment marks in the substrate in the visible light range". Applicant is unable to find in Fairbairn et al. "wherein the amorphous carbon layer is transparent in visible light range to improve a reading of alignment marks in the substrate in the visible light range". Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claim 53.

Dependent claims 54 and 56 depend from claim 53. Thus, Applicant believes that claims 54 and 56 are patentable over Fairbairn et al. for at least the reasons presented above regarding claim 53, plus the things recited in claims 54 and 56. Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claims 54 and 56.

### **§103 Rejection of the Claims**

Claim 51 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fairbairn et al., as applied to claim 50 above.

Applicant respectfully traverses.

Dependent claim 51 depends from claim 50. Thus, Applicant believes that claim 51 is patentable over Fairbairn et al. for at least the reasons presented above regarding claim 50, plus the things recited in claim 51. Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claim 51.

**Claims 55, 57 and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fairbairn et al., as applied to claim 53 above.**

Applicant respectfully traverses.

Dependent claims 55, 57, and 58 depend from claim 53. Thus, Applicant believes that claims 55, 57, and 58 are patentable over Fairbairn et al. for at least the reasons presented above regarding claim 53, plus the things recited in claims 55, 57, and 58. Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claims 55, 57, and 58.

**Claims 59-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fairbairn et al.**

Applicant respectfully traverses.

Independent claim 59 is amended and recites, among other things, "wherein the amorphous carbon layer is transparent in visible light range to improve a reading of alignment marks in the substrate in the visible light range". Applicant is unable to find in Fairbairn et al. "wherein the amorphous carbon layer is transparent in visible light range to improve a reading of alignment marks in the substrate in the visible light range". Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claim 59.

Dependent claims 60-62 depend from claim 59. Thus, Applicant believes that claims 60-62 are patentable over Fairbairn et al. for at least the reasons presented above regarding claim 59, plus the things recited in claims 60-62. Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claims 60-62.

**Claims 63-66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fairbairn et al.**

Applicant respectfully traverses.

Independent claim 63 is amended and recites, among other things, "wherein the amorphous carbon layer is transparent in visible light range to improve a reading of alignment marks in the substrate in the visible light range". Applicant is unable to find in Fairbairn et al. "wherein the amorphous carbon layer is transparent in visible light range to improve a reading of alignment marks in the substrate in the visible light range". Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claim 63.

Dependent claims 64-66 depend from claim 63. Thus, Applicant believes that claims 64-66 are patentable over Fairbairn et al. for at least the reasons presented above regarding claim 63, plus the things recited in claims 64-66. Accordingly, Applicant requests reconsideration and withdrawal of the rejection and allowance of claims 64-66.

**New claims**

Applicant submits that new claims 67-84 do not introduce new matter. Applicant requests consideration and allowance of claims 67-84.

**Withdrawn claims**

Claims 44-49 are currently withdrawn by the Examiner. Applicant believes that at least one of the claims 50-84 (previously elected claims 50-66 and new claims 67-84) is a generic or linking claim among claims 44-84. For example, Applicant believes that at least one of the claims 50, 53, 59, 63, 67, 71, 74, 79, and 82 is a generic or linking claim among claims 44-84. Therefore, Applicant requests consideration and allowance of withdrawn claims 44-49 when any one of the claims 50-84 is allowed.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6969 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 9 September 2005

By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of September, 2005.

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Name

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Signature